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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 EVARISTO JONATHAN GARCIA,
6
7 v.
8 W.A. GITTERE, et al.,
9 Respondents.

Case No. 2:17-cv-03095-JCM-CWH

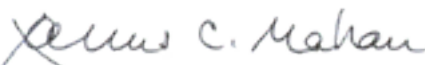
ORDER

10 This counseled habeas matter is before the court on petitioner Evaristo Jonathan Garcia's
11 declaration of voluntary dismissal of the unexhausted portion of ground IV of his sealed second-
12 amended petition. ECF No. 70. On October 30, 2024, this court determined that ground IV is
13 unexhausted to the extent that Garcia alleges a violation of the Confrontation Clause, and
14 instructed Garcia to inform the court how he wished to proceed. ECF No. 67. Garcia has timely
15 complied.

16 **IT IS THEREFORE ORDERED:**

- 17 1. Ground IV of the sealed second-amended petition (ECF No. 36) is DISMISSED to the
18 extent that it includes an allegation of a violation of the Confrontation Clause.
19 2. Pursuant to this court's scheduling order (ECF No. 9), respondents must file their
20 answer to the remaining grounds in the sealed second-amended petition within 60 days
21 of service of this order. Garcia will then have 30 days following service of the answer
22 to file his reply.

23 DATED: December 9, 2024.

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25 JAMES C. MAHAN
26 UNITED STATES DISTRICT JUDGE
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